

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases Noted on Attached Appendix A

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**MASTER STIPULATION AND [PROPOSED] ORDER
DISMISSING WITH PREJUDICE CLAIMS
PURSUANT TO WEST VIRGINIA KROGER SETTLEMENT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record for the Plaintiff West Virginia Subdivisions identified in Appendix A (collectively, “Dismissing WV Plaintiffs”) and Defendant Kroger (together with the Released Entities, “Kroger”¹) that, pursuant to the election of each Dismissing WV Plaintiff to participate in the Kroger West Virginia Settlement attached hereto as Appendix B, all claims of each Dismissing WV Plaintiff against any Released Entity that is a defendant in any action listed in Appendix A are hereby voluntarily **DISMISSED WITH PREJUDICE**, with each party to bear its own costs.

¹ The Kroger West Virginia Settlement is between the State of West Virginia and Kroger, but the settlement provides for participation by the Dismissing WV Plaintiffs conditioned on their agreement, among other things, to release and dismiss their claims against all “Released Entities.” Settlement Agreement § II.II.

Dated: September 7, 2023

Respectfully submitted,

Agreed as to form and substance:

KROGER

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SO ORDERED this _____ day of September 2023.

Hon. Dan Aaron Polster
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023 I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/ John D. Hurst
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